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Transmittal Cover Sheet

From: Kathryn A. Yazgulian Tel: 310.586.7884 E-Mail: YazgulianK@gtlaw.com

| To: | Fax No: | Company: | Phone No.: |
|--------------------------|----------------|-------------------------------------------|------------|
| Examiner: David C. Reese | (703) 872-9306 | United States Patent and Trademark Office | |

File No.: 58641-010101

Re: Response to Restriction Requirement

Date: February 28, 2005 10:35 AM

No. Pages: Including Cover Sheet 3

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Notes: Please find the following Response to Restriction Requirement enclosed.

Also sent via: US Mail Overnight Messenger Email No Other

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2450 Colorado Avenue, Suite 400 E, Santa Monica, California 90404 Phone: 310.586.7700 Fax: 310.586.7800

PAGE 1/3 * RCVD AT 2/28/2005 1:39:33 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/5 * DNIS:8729306 * CSID:+3105867940 * DURATION (mm:ss):00:50

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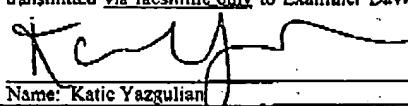
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sanford S. Weissbuch Examiner: David C. Reese
Serial No.: 10/684,290 Group Art Unit: 3677
Filing Date: October 8, 2003 Docket No.: 58641-010101
Title: JEWELRY AND TIMEPIECE DEVICE
Customer No.: 33717

CERTIFICATE UNDER 37 CFR 1.6(d)

I hereby certify that this correspondence and identified enclosures are being transmitted via facsimile only to Examiner David C. Reese, Art Unit 3677, Facsimile No. (703) 872-9306 on February 28, 2005.



Name: Katie Yazgulian

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP: AMENDMENT
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

Sir/Madam:

In response to the restriction requirement set forth in the Office Action mailed February 8, 2005, Applicant elects with traverse Species IX, directed to the embodiment(s) shown in Fig. 9-9u. Applicant elects claims 1-7, 10-12, 16-17, 26-32.

The Examiner's requirement is respectfully inappropriate. It is submitted that a search of these claims would require a search of subject matter of the claims, and this election is not appropriate. For the Examiner to effectively examine this case a search will have to be done in all relevant subclasses. This would likely cover subject matter in the non-elected claims which are in the same class, and related subclass.

02-28-05

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T-639 P.003/003 F-613

Serial No. 10/684,290

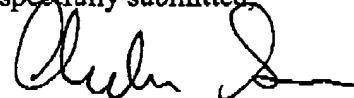
PATENT
Docket No. 58641-010101

Accordingly, the Examiner's request is burdensome, not only on the applicant and the public, as it would require multiple patents to cover the technology of the claims of the invention.

In view of the above, it is submitted that this application is now in good order for allowance, and such early action is respectfully solicited. Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned attorney.

Authorization is hereby given to charge any additional fees or credit overpayment to Deposit Account No. 50-2638. Please reference Attorney Docket Number 58641-010101 when charging any payments or credits in connection with this application.

Respectfully submitted,



Charles Berman
Reg. No. 29,249

Date: February 28, 2005

Customer Number 33717
GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (310) 586-7770
Fax: (310) 586-0271
E-mail: bermanc@gtlaw.com

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